



Austin City Council MINUTES

OCTOBER 21, 1993 - 1:00 P.M.

1. **Approval of Minutes for Regular Meeting of October 14, 1993 and Special Meetings of October 7 and 14, 1993**

On Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 Vote.

CITIZEN COMMUNICATIONS: GENERAL

2. **Mr. Mike Workman, to invite the Council and community to various public events to commemorate the 200th birthday of Stephen F. Austin.**
3. **Mr. Brent White, to discuss problems with the Barton Creek Development Agreement: it illegally rolls back S.O.S. on the Lantana tract; it gives Freeport some infrastructure it needs to develop in violation of Austin Tomorrow Plan; it provides for more commercial development than under the 1990 PUD or under the 13 subdivisions (even if all the subdivision site plans had been approved); and it prevents further protection of water quality or the Barton Springs Salamander; also to request special citizen input rules for the Barton Creek PUD and MUD hearings later in the day.**
4. **Mr. Al St. Louis, to follow up on the previous four requests to lower the speed limit on the west side of Zilker Park from 40 mph at the park entrance where Columbus Drive meets Rollingwood Drive.**
5. **Mr. Richard McCown, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Plan.**
6. **Mr. Bryan Hale, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Plan.**
7. **Mr. George Avery, to call on the community to support county ballot proposition #1, the Balcones Canyonlands Conservation Project.**
8. **Mr. Ted Siff, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Project.**

9. Mr. Sparky Anderson, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Project.
10. Mr. John Beall, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Project.
11. Ms. Mary Arnold, to call on the community to support county ballot proposition #1, the Balcones Canyonland Conservation Project.

BOARD AND COMMISSION REPORTS

12. COMMUNITY DEVELOPMENT COMMISSION (CDC) - Margaret Uriegas, Chair, to discuss the status of the CDC.

Council directed restructure and asked for a report in 60 days.

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3320 Spicewood Springs Road, Case No. C14-93-0085, from "I-SF-3", Interim Family Residence to "LR," Neighborhood Commercial, SPICEWOOD BAPTIST CHURCH, INC., (Gary Smith), by Talisman Group (James T. Ross). First reading on October 7, 1993; Vote 6-0; Mayor Pro Tem Urdy out of the room. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council and restrictive covenant has been executed.
14. Approve the establishment of a 50-acre park in a state-owned tract of land of approximately 790 acres; waive future parkland dedication requirements for any private development of the remainder of the tract and agree to the maintenance and operation of the park by Williamson County. (No fiscal impact.) [Recommended by Parks Board.]

#13-14 on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Garcia out of the room.
15. Approve setting FY 1993-94 water and wastewater retail rates to become effective April 1, 1994. (The proposed rates will result in projected revenues of \$154,314,751.) [Recommended by Water and Wastewater Commission and Resource Management Commission.] (Related to Item 24)

Motion

Councilmember Shea made a motion "to approve staff recommendation", seconded by Councilmember Reynolds.

Councilmember Shea went on to discuss what she wanted. Mayor Todd asked, "Do you have specifics? You made a motion to approve staff recommendation". Councilmember Shea answered "In the beginning I made a motion, not to approve staff recommendation, but to begin discussion on this item. And I offer my suggestion on alternative rates as a substitute motion as opposed to the staff recommendation".

Amendment to the Motion

Councilmember Shea offered "an amendment to the motion to change customer charge from \$4.90 to \$4.25; and \$3.50 to \$2.75 for the category of 15,000 gallons and above; and no change for outside of the City service".

Mayor Todd asked, "You are proposing to eliminate the change that we've made in the staff recommendation, that is the main motion, you want to eliminate the change recommended in the industrial and commercial class. Is that correct?"

Councilmember Shea answered, "Eliminate the reductions proposed for the commercial and the multi-family, keep in place the changes recommended for industrial rate and finance that through an increase on the residential that we funded through our excess cash on hand that was achieved through the unusually dry last few months we had."

Mayor Todd asked, "O.K. But the rates themselves, you want to go back to what we are currently doing for commercial and multi-family? That's your amendment? Councilmember Shea answered, "Correct".

Mayor Todd asked, "Is there a second? Does everyone understand the amendment that was offered? It is to reduce the customer charge from \$4.90 to \$4.25, to change the high end of residential from \$3.50 to \$2.75, to eliminate the change to show what is presently being done in the commercial class and the multi-family class. Is that correct?"

Councilmember Shea replied, "And also on the industrial, stay with staff recommendation that we move them toward cost of service with a 2% reduction but fund that with the excess cash on hand rather than through an increase on our residential rates. We have about a million dollars cash on hand from the last few dry months we have had."

Mayor Todd said, "That is the amendment, is there a second to the amendment?"

Councilmember Nofziger said, "I like most of that but not all of that, so I'll second it with the hopes that I get the support to

amend it." Mayor Todd asked, "Do you want to offer up a friendly amendment to the amendment at this time to see if the main maker of the amendment will accept it?"

Friendly Amendment to the Amendment to the Motion

Councilmember Nofziger offered a friendly amendment "to keep the conservation rate the same as the staff recommendation, that is not to drop it to \$2.75".

Friendly Amendment to the Amendment to the Motion Accepted

Councilmember Shea said, "In the interest of having an opportunity for a vote on an alternative rate, I will accept your amendment, although I'm desiring conservation rates that don't send people through the roof. I am willing to accept that as a friendly amendment, particularly if there is any desire to modify it."

Councilmember Nofziger said, "Well, no, I'm happy you will accept it as a friendly amendment".

Discussion was held and the following motion was made:

Motion - Died

Councilmember Shea stated: "Enough questions have been raised. I would amend my original motion and ask that we delay action on this item for a couple of weeks so that we can get a little bit closer to achieving our goal. I don't think anyone wants to fund a decrease to industrial, commercial and multi-family categories with an increase on the residential category and that is what our staff is proposing to do. I move for us to delay this item for a couple of weeks".

Mayor Todd said, "The best way to do that would be to withdraw both your amendment and your main motion". Councilmember Shea answered, "If it's acceptable to the seconder, I would withdraw with a substitute motion that we delay action".

Councilmember Reynolds said, "I'm not agreeing to that. I seconded the motion at the very beginning, not to the amendment. I'd like to discuss this and if we can't make a decision today, then we'll do it two, three or four weeks from now, but we've postponed this and it is now time for us to make some decisions".

Councilmember Shea said she would "like to have a vote on my original motion". Mayor Todd told her, "The motion to be voted upon now is the amendment to the main motion, which was the original staff recommendation".

At this point there were several speakers from the audience who had requested time to speak.

Roll Call on Motion as Amended with Amendment - FAILED

(Before the roll was called, Mayor Todd stated, "The original motion was the recommendation that came from our consultant and staff and the amendment that we are about to vote on is the amendment offered by Councilmember Shea and seconded by Councilmember Nofziger to make the adjustments, being to reduce the customer charge of \$4.90 to \$4.25, to leave the reduction in commercial and multi-family unchanged".

3-4 Vote, Councilmember Reynolds, Mayor Todd, Mayor Pro Tem Urdy and Councilmember Garcia voted No.

Roll Call on Main Motion - APPROVED

4-3 Vote, Councilmembers Nofziger, Shea and Goodman voted No.

Mayor Todd said, "For the record, that passes on a 4-3 Vote. Councilmember Nofziger said, "Just for the record, who made that motion?" Mayor Todd answered: "That was made by Councilmember Shea and seconded by Councilmember Reynolds."

Councilmember Shea stated: "I made that motion initially for the purpose of discussion so I could substitute my amendment".

Amendments to Fee Ordinance (Items 16-18)

16. Amend Ordinance No. 930915-D, the 1993-94 Fee Ordinance, to include fees for the issuance of banner permits, the impoundment of signs and the storage of impounded signs, and establishing a filing fee for zoning cases affected by Ordinance No. 931014-H. (The banner and sign impoundment fees were inadvertently omitted from the Fee Ordinance. They represent a 10% across the board increase; the fee increase was included in the revenue budgeted for 1993-94.)

Motion

Councilmember Reynolds made a motion to approve, and in Part 1 #4, take out "then" so it will read "50% of current zoning and re-zoning".

Friendly Amendment - NOT ACCEPTED

Councilmember Goodman offered a friendly amendment to change the words to "up to 50%". The amendment was not accepted.

Amendment to Motion Made and Withdrawn

Councilmember Goodman made an amendment to the motion and then withdrew it to state "up to 50%".

Roll Call on Motion

7-0 Vote

17. Amend Ordinance No. 930915-D, the 1993-94 Fee Ordinance, to delete fees for electric licenses of three-years and to reinstate fees for annual electric licenses and their renewal. (The three year license fee renewals were included in the 1993-94 budget in anticipation of changes to the licensing process, and will be reinstated once the new licensing process is approved. No fiscal impact; fees for both the three year and one year license renewal fees are identical.)

On Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Garcia out of the room.

18. Amend Ordinance No. 930915-D, the 1993-94 Fee Ordinance, by authorizing fee increases for City of Austin Cemetery burial spaces and related services to become effective November 1, 1993. (The fee increase will result in projected revenues of \$23,138 for FY 1993-94.)

Postponed to November 18, 1993 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

19. Amend Ordinance No. 930915-A, the 1993-94 operating budget, decreasing the General Fund Contingency Reserve by \$115,000 and increasing Transfers Out to the Support Services Fund by \$115,000; amend Ordinance 930915-A, the 1993-94 Support Services Fund Operating Budget, increasing Transfers In from the General Fund by \$115,000 and increasing appropriations for the Law Department by \$115,000 to fund an amendment to the contract with Exploration Technologies, Inc., to support the Law Department's representation of the City in Gutierrez v. Exxon et. al. (Related to Item 20)

RESOLUTIONS

20. Amend the existing agreement with EXPLORATION TECHNOLOGIES, to provide environmental assessments for the Gutierrez et al. v. Exxon et al. case, in the amount of \$115,000, for a total contract amount of \$149,000. (Related to Item 19)

21. Approve the first amendment to the Agreement for Locomotive Restoration and Lease between the City of Austin and Austin Steam Train Association, Inc. (ASTA), to allow ASTA to store the train engine in Williamson County and to relieve ASTA of the obligation to provide service to the Austin Convention Center until the tracks are rehabilitated. (No fiscal impact.)
22. Authorize negotiation and execution of five (5) 15-month Social Services contracts for the provision of HIV services with: AIDS SERVICES OF AUSTIN, in the amount of \$541,806; CENTRAL EAST AUSTIN COMMUNITY ORGANIZATION, in the amount of \$55,636; PEDIATRIC AIDS LEAGUE, in the amount of \$89,984; PEOPLES COMMUNITY CLINIC, in the amount of \$65,948; and PROJECT TRANSITIONS, in the amount of \$56,250. (Funding is available in the 1993-94 Social Services Budget of the Health and Human Services Department.) [Recommended by Community Action Network.]
23. Approve a twelve (12) month contract award to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/sedimentation ponds, and for hauling of excessive vegetation and debris from work performed by City crews, in the amount of \$750,000. (Funding is available in the 1993-94 operating budget of the Drainage Utility.) [Recommended by Environmental Board]
24. Approve the negotiation and execution of a contract with SYKES ENTERPRISES, INC., Irving, Texas, for professional contract programming services for the Utility Customer Service Office to support the billing system changes required to implement the Water and Wastewater cost of service rates, in an estimated amount of \$415,000. (Funding in the amount of \$115,000 is available in the 1993-94 operating budget of the Utility Customer Service Office; funding in the amount of \$300,000 was included in the 1989-90 amended Capital Budget for the Electric Utility.) Best proposal of six (6). No M/WBE Subcontracting opportunities were identified. (Related to Item 15)
25. Approve an amendment to a six (6) month emergency supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for the purchase of medical, laboratory and dental supplies, for an increase of \$375,000 (including ratification of expenditures in an amount of \$150,000) for a total contract amount of \$565,000. (Funding in the amount of \$100,000 is available in the 1992-93 General Fund Operating Budget for the Health and Human Services Department; funding in the amount of \$40,000 is available in the 1993-94 General Fund operating budget for the Health and Human Services Department; funding in the amount of \$200,000 is available in the 1993-94 Federally Qualified Health

Center (FOHC) operating budget for the Health and Human Services Department; funding in the amount of \$7,000 is available in the Special Revenue budget for the Health and Human Services Department; funding in the amount of \$28,000 is available in the operating budget for other departments.)

26. Authorize execution of an Interlocal Agreement with Travis County under which the Travis County Sheriff's Department will use the Austin Police Department's firearms training range. (No fiscal impact.)
27. Approve an Interlocal Agreement with Travis County for the sharing of the optical scan voting system and City facilities for elections. (Funding for the optical scan equipment rental in the amount of \$60,000 is available in the 1993-94 operating budget of the City Clerk. (Funding for optical scan equipment rental in the amount of \$60,000 is available in the 1993-94 operating budget for the City Clerk. The savings from not having to lease this equipment will be offset by the charges for use of City facilities for the County elections.)
28. Approve the selection of JONES & NEUSE, Austin, Texas, for negotiation and execution of an agreement to provide professional engineering and associated services for the Hornsby Bend Sludge Management Facility Groundwater Monitoring Well System Improvements, in the amount of \$150,000. (Funding was included in the 1993-94 Capital Budget of the Water and Wastewater Utility.) Best qualification statement of ten (10). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
29. Approve Change Order #4 to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, to add sidewalks and wheelchair ramps to comply with the American Disabilities Act and additional repair areas as part of the 26th Street and Oltorf Street Reconstruction and Overlay Project, in the amount of \$28,663.25, for a total contract amount of \$1,447,908.22. (Funding was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation.) 30.31% MBE, 0% WBE Subcontractor participation.
30. Approving changing the primary source of funding, at the request of the Capital Metropolitan Transportation Authority (CMTA), for the contract awarded on April 22, 1993, to AUSTIN BRIDGE AND ROAD, INC., for the Springdale Road Reconstruction and Overlay Project, from the 1992 CMTA Street Resurfacing Program to the Build Austin Program. (Funding in the amount of \$1,002,500 was included in the 1993-94 Capital Budget of the Public Works and Transportation Department; \$7,000 was included in the 1991-92 Capital Budget of the Wastewater Utility; \$5,200 was included in the 1991-92 Capital Budget of the Water Utility; \$1,000 is available in the 1993-94 operating budget of the Drainage Utility.)

ITEMS FROM COUNCIL

31. Approve an ordinance restricting the sound level of vehicular sound amplification systems. (Mayor Bruce Todd, Councilmember Gus Garcia, and Mayor Pro Tem Charles Urdy.)
32. Approve a funding match in the amount of \$31,000 for the American Institute of Learning's Tribes Music Business Program. (Funding to be provided from existing Music Industry Loan Guarantee Program Funds.) [Recommended by Music Commission.] (Councilmembers Gus Garcia and Michael "Max" Nofziger]

#19-32 on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Garcia out of the room.

33. Consider rescinding Council action of October 7, 1993 and approving the award of a construction contract to AUSTIN BRIDGE & ROAD, Austin, Texas, for street and drainage improvements to Reyna Street/Krebs Lane, Dunlap Street and Wadford Street for the Community Development District Street and Drainage Improvements Project, in the amount of \$675,701.25. (Funding in the amount of \$511,365.50 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation; \$162,460.75 was included in the 1991-92 Capital Budget of the Water Utility; \$1,875 was included in the 1991-92 Capital Budget of the Wastewater Utility.) Single bid. 17.25% MBE, 2.64% WBE Subcontractor participation. (Councilmembers Gus Garcia and Jackie Goodman.)

Pulled off agenda.

34. Consider waiving the zoning application fees required to create the Guadalupe Neighborhood Conservation Combining District (NCCD). [Councilmembers Gus Garcia and Jackie Goodman.]
35. Approve a contract amendment for the Austin Transportation Study Urban Transportation Planning Contract, in the amount of \$406,000. (Funding provided by the U.S. Department of Transportation.) [Mayor Bruce Todd, Mayor Pro Tem Charles Urdy and Councilmember Jackie Goodman.] (Related to Item 36)
36. Amend Ordinance No. 930915-A, the operating budget, by increasing appropriation and revenues for the Departments of Planning and Development, Public Works and Transportation and Environmental and Conservation Services for the Urban Transportation Planning Contract, in the amount of \$267,556 (Mayor Bruce Todd, Mayor Pro Tem Charles Urdy and Councilmember Jackie Goodman) [Related to Item 35]

37. Approve a resolution endorsing the efforts of the National League of Cities and offering support for the effort to inform citizens and educate our Congressional delegation on the impact and burden placed on local government and citizens by federal mandates. (Mayor Bruce Todd)

#34-37 on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Garcia out of the room.

3:00 P.M. - ELECTRIC UTILITY DEPARTMENT (Items 38-46)

38. Electric Utility Commission Report - Marilyn Jones, Vice-Chair, reported.
39. Resource Management Report - Glenn Crow, Chair, reported.
40. Monthly Management Report - John Moore, Director of Electric Utility, reported.
41. Approve an Official Declaration of Intent to Reimburse acquisition and construction costs of the FY 1992-93 and FY 1993-94 Capital Improvement Projects for the Electric Utility, in the amount of \$74,400,000, and the Water and Wastewater Utility, in the amount of \$40,000,000.
42. Approve an amendment to a contract with DUKE ENGINEERING AND SERVICES, Charlotte, North Carolina, for plant safety enhancement services, in the amount of \$131,004, for a total amount of \$324,105. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) 10% MBE, 5% WBE Subcontractor participation.
43. Approve execution of a contract to ASEA BROWN BOVERTI, c/o WESCO, San Antonio, Texas, for the purchase of twenty-four (24) circuit breakers and one (1) automatic gas cart to be installed at the Holly Plant Substation, in the amount of \$1,727,225. (Funding was included in the 1993-94 Capital Budget for the Electric Utility.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
44. Approve execution of a contract with SHALLBETTER BROTHERS INC., c/o ELTEK INC., Arlington, Texas, for the purchase of one switchgear and an indoor metal clad 12.47 KV spot network to provide service to the Stephen F. Austin State Office Building, in the amount of \$280,560. (Funding was included in the 1993-94 Capital Budget of the Electric Utility.) Low bid of seven (7). No M/WBE Subcontracting opportunities were identified.
Pulled off agenda.

45. Approve execution of a twelve (12) month supply agreement to LUFKIN CREOSOTING, Lufkin, Texas, for the purchase of wood utility poles, in the amount of \$816,350. (Funding was included in the 1993-94 Capital Budget for the Electric Utility.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
46. Approve execution of a contract with WESTINGHOUSE ELECTRIC CORPORATION, San Antonio, Texas, to modify and upgrade the Decker #2 generator motor, in the amount of \$650,000. (Funding is available in the 1993-94 Capital Budget for the Electric Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified.

#41-46 on Councilmember Shea's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

47. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8600-9800 blocks (west side) of Manchaca Road; 1700-1800 blocks (north side) of Slaughter Lane West; and 1800-1900 blocks (south side) of Dittmar Road West, Case No. C14-85-022, from "I-RR", Interim Rural Residence to "GR, Community Commercial; CS, Commercial Services; LR, Neighborhood Commercial; LO, Limited Office; MF-2, Multifamily Residence (low density); and SF-3, Family Residence", FRANKLIN FEDERAL BANCORP, by Stephen Fain. First reading on Phase A - June 13, 1985, Phase B - April 3, 1986; Vote on both phases was 6-0. Conditions met as follows: restrictive covenant incorporates conditions imposed by Council. Postponed to November 18, 1993.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0-1 Vote, Councilmember Reynolds abstained.

48. C14-93-0101 - SAGE-WATERFORD, LTD. (Ralph Reed), 9304 Burnet Road. From P to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to the following conditions: (1) Prohibited Uses - Restaurants (all categories) and Food Sales; (2) Floor to Area Ratio (FAR) Limits: Business and Administrative Office - 0.777, Professional Office - 0.777, General Retail Sales (Convenience) - 0.065, General Retail Sales (General) - 0.065, Medical Office - 0.284, and Financial Services - 0.061.
First Reading

49. C14-93-0106 - WHOLE FOODS MARKET, INC., (Roy A. Butler), by Joseph-Young Associates (Scott Young), 900-912 West 6th Street and 601-631 North Lamar Boulevard. From DMU & MF-4 to CS. Planning Commission Recommendation: To grant CS-CO, Commercial

Services-Commercial Conditional Overlay, zoning prohibiting the following uses: Veterinary Services, Vehicle Storage, Monument Retail Sales, Equipment Sales, Equipment Repair Services, Convenience Storage, Construction Sales and Services, Automotive Repair and Commercial Blood Plasma Center; further subject to requiring on-site water quality filtration designed to City standards.
Ordinance

To be heard by Planning Commission on October 19, 1993;
Recommendation to Follow

50. C14-93-0046 - CLARK LYDA, by Bury & Pittman (James Knight), 3402 West Parmer Lane. From SF-6 to MF-1.
Postponed to November 18, 1993
51. C14-93-0103 - KLINGEMANN-PATTON PARTNERSHIP (Raymond Klingemann), by Travis & Associates (Chase Baromeo, Jr.), 5635 U.S. Hwy. 290 West. From DR to GR.
Pulled off agenda.
52. C14-93-0108 - DAVIS & ASSOCIATES PROPERTY MANAGEMENT (Michael Berke), 2234 East Ben White Blvd. From GR to CS-1. Planning Commission recommendation: Grant CS-1 subject to conditions 8-0 Vote.
First Reading
53. C14-93-0100 - WARREN BEAMAN, by Regis Matejcik, 505-507 East Riverside Drive. From GO to MF-4.
Pulled off agenda.

The following case will be postponed to a future date. Posting of this item on this agenda is required due to a previous advertisement for this date.

54. C14-93-0110 - C.O.A.-PLANNING AND DEVELOPMENT, 3710 Enfield Road, 1501-1511 Scenic Drive and 3713-3721 Bonnie Road. From LO, MF-2, SP-3 to P.
Postponed to November 18, 1993.
55. C14-93-0124 - FRANK COVERT III, ET AL, by Graves, Dougherty, Hearon & Moody (Terry Bray), South IH-35 Service Road NB and East St. Elmo. From SF-3 to GR.
Postponed to November 4, 1993.

#48-55 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

56. 5:00 P.M. - Amend Chapter 13-3A of the Austin City Code to amend the City's Impact Fee Service Area and Water and Wastewater Utility Service Area to include the Barton Creek Community and other lands in the City's extraterritorial jurisdiction; adopt revised Impact Fee Land Use Assumptions, Impact Fee CIP and amend the Maximum Allowable Water and Wastewater Capital Recovery Fees. (To be heard by Planing Commission on October 19, 1993 and Water and Wastewater Commission on October 20, 1993.)

Recessed to October 25, 1993 at 1:00 P.M. on Councilmember Reynolds' motion, Councilmember Goodman's second, 7-0 Vote.

57. 6:45 P.M. - C814-93-0001 - BARTON CREEK COMMUNITY PLANNED UNIT DEVELOPMENT (PUD), (Barrett Allison), by Strasburger & Price (David Armbrust), area along the north and south sides of Barton Creek Boulevard; area north and south of Southwest Parkway. From CS, GR, P, DR, GO, LR, LO, MF-1, MF-2, SF-1, SF-2 and SF-6 to ETJ-PUD. (To be heard by Planning Commission on October 19, 1993.)

Recessed to October 25, 1993 at 1:00 P.M. on Mayor Pro Tem Urdy's motion, Councilmember Goodman's second, 7-0 Vote.

58. 6:45 P.M. - Approve the creation of Travis County (Barton Creek) In-City Municipal Utility Districts 3-9.

Recessed to 1:00 P.M. on October 25, 1993 on Mayor Pro Tem Urdy's motion, Councilmember Goodman's second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held on the morning of this date in the Mayor's office.

Advice from Counsel - Section 551.071

59. Discuss the status of Cause No. 92-0637, Jerry J. Quick v. City of Austin; and Cause No. 92-04858, Maple Run at Austin MUD v. City of Austin.
65. Discuss possible transfer of development rights from properties owned by FM Properties Operating Co. to property owned by the City of Austin.

Land Acquisition - Sec. 551.072

60. Discuss real property acquisitions for the Martin Luther King at

Guadalupe Intersection Transportation System Management Improvement Project.

Personnel Matters - Sec. 551.074

61. Discuss personnel evaluation of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, Municipal Court Judges and City Auditor.

ACTION ON THE FOLLOWING

62. Approve execution of an amendment to an agreement for legal services with the law firm of Hilgers & Watkins.

In the amount of \$200,000, on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Garcia out of the room.

63. Authorize real property acquisitions for the Martin Luther King at Guadalupe Intersection Transportation System Improvement Project. In the amount of \$35,000, on Mayor Pro Tem Urdy's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Reynolds out of the room.

64. **APPOINTMENTS**

ARTS COMMISSION - 1 (TO EXPIRE 10/01/95) Appointment of Brenda Malik, on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Garcia out of the room.

ADJOURN - At 7:15 P.M. on Councilmember Reynolds' motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.